THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8227 of 2007

DATED:20-04-2007

BETWEEN:

B.Srinivasulu Reddy.

..... PETITIONER

AND

The Superintendent of Police,
Nellore & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner; learned standing counsel for Food Corporation of India as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents 1 to 4 to provide police aid to him for carrying out the work of loading and unloading of food grains at the godowns of the Food Corporation of India, Nellore by engaging 480 workers as per the amended licence under the Contract Labour (R & A) Act, 1970.

3. It is the case of the petitioner that he was awarded with the work of handling and transporting the food grains under contract by the 5th respondent with effect from
22-07-2006 for a period of two years. It is stated that the previous contractor engaged 362 contract labourers and
38 casual labourers, and the petitioner engaged all of them pursuant to the settlement arrived between them on
02-08-2006. It is further stated that in addition to those contract labourers petitioner required 80 more workers making the total contract labourers 480, and obtained licence from the Assistant Commissioner of Labour, Central, Vijayawada vide proceedings

No.46/86/2006-ALC dated

22-01-2007. Therefore, it is the case of the petitioner that he is entitled to engage 480 workers in the godowns of the Food Corporation of India to get the hamali work done, but without any justification, whatsoever, a group of the earlier contract hamalis, even though they were engaged as contract labourers, are preventing and interfering with the right of the petitioner to engage 80 more workers. Accordingly, petitioner made a representation, dated 31-03-2007, before the 1st respondent-Superintendent of Police, Nellore marking copies to the respondents 2 to 4, seeking bandobasth. It is stated that though the petitioner is prepared to pay the expenses which are likely to be incurred for giving bandobasth, but police have not provided any protection or police aid to them to execute the contract work with the Food Corporation of India. Hence, this Writ Petition.

4. I am of the opinion that where the contractors are entitled to execute the work, if any, in accordance with law, if anybody prevents the same and if any police aid is required by the petitioner from the concerned police, it is the duty of the police to take appropriate action to maintain law and order and to absolve the contractors to execute their original activity of executing the contract work.

5. Having regard to the facts and circumstances of the case, respondents 1 to 4 are directed to consider the representation of the petitioner, dated 31-03-2007, and take appropriate action in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

20th April, 2007

Note:

Furnish C.C. of the order within two days.

B/o

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